

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: May 19, 2004

Division: Growth Management

Bulk Item: Yes X No

Department: Planning

AGENDA ITEM WORDING: Approval for one Restrictive Covenant from Joseph Michael & Agnes Brunke and Marlin Holding Inc. a Florida Corporation to have one dwelling unit on contiguous lots described as Lots 6 & 7, Block 4, Largo Sound Park, Key Largo.

ITEM BACKGROUND: On April 14, 2004 the Planning Commission approved an allocation award for the applicants listed below provided the applicants' Restrictive Covenant is approved by the BOCC. Joseph Michael & Agnes Brunke and Marlin Holding Inc. a Florida Corporation submitted the Restrictive Covenant to Monroe County. The applicant is receiving one dwelling unit allocation award for the year ending July 13, 2004, have filed the document in accordance with Ordinance No. 47-1999.

PREVIOUS RELEVANT BOARD ACTION: On November 11, 1999, the BOCC adopted Ordinance No. 047-1999.

CONTRACT/AGREEMENT CHANGES: N/A.

STAFF RECOMMENDATION: Approval.

TOTAL COST: X

BUDGETED: Yes N/A No

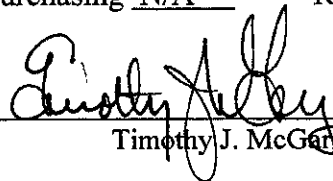
COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes N/A No **AMOUNT PER MONTH** N/A **Year**

APPROVED BY: County Atty X OMB/Purchasing N/A Risk Management N/A

DIVISION DIRECTOR APPROVAL:


Timothy J. McGarry, AICP

DOCUMENTATION: Included X To Follow Not Required

DISPOSITION:

AGENDA ITEM # I7

M E M O R A N D U M

TO:: Danny Kolhage, Clerk of the Court
FROM: Timothy J. McGarry, Growth Management Director *M*
DATE: May 19, 2004
RE: Clarification of Agenda Item

Restrictive Covenant

Permit Number	Name on Agenda Item	Name on Restrictive Covenant	Legal Description
02-3-2709	Joseph Michael & Agnes Brunke and Marlin Holding Inc. a Florda Corporation	Joseph Michael & Agnes Brunke and Marlin Holding Inc. a Florda Corporation	Lots 6 & 7, Block 4, Largo Sound Park, Key Largo

LOT AGGREGATION RESTRICTIVE COVENANT

1. Whereas, Joseph Micheal and Agnes Brunke, a married couple and Marlin Holding Inc. a Florida Corporation, Joseph Silvestri, President, the undersigned are the sole owners of the following described real property located in Monroe County, Florida described as follows:

Lot(s): 6 and 7 Block: 4

Subdivision: Largo Sound Park

Key: Largo PB: 3-111

Real Estate #(s): 00470990.000000 & 00471000.000000; and

2. **WHEREAS**, this Lot Aggregation Restrictive Covenant that restricts the use of the legally described property in order to receive a building permit; and
3. **WHEREAS**, the above described parcel(s) was assigned additional points in the Permit Allocation System for building permit #02-3-2709 for the voluntary reduction of density through aggregation of vacant, legally platted, buildable lots.
4. **NOW, THEREFORE**, the undersigned agree as follows:
 - The above described parcel(s) shall have its density reduced from two dwelling units to one dwelling unit in consideration of a building permit to build a single-family residence; and
 - The restrictions herein shall be binding upon the representatives, heirs, assigns and successors in title of the undersigned; it being the intention if the undersigned by execution and recording of this document that this restriction shall run with the land and shall be forever binding upon the successors in title; and

- This covenant is intended to benefit and run in favor of the County of Monroe; and
- In the event of any breach or violation of the covenant contained herein, the said County may enforce the covenant by injunction or such other legal method, as the County deems appropriate.

EXECUTED ON THIS 21 day of April, 2004.

OWNER OR OWNERS

Joseph Michael Brunke
(Signature) Joseph Micheal Brunke

WITNESSES:

Agnes Brunke
(Signature) Agnes Brunke

Joseph M. Brunke
(Signature)

Joseph Silvestri
(Signature) Joseph Silvestri, President
Marlin Holding Inc.,
a Florida Corporation

ANA BEATY
(Print/Type Name)

Shirley Rowe
(Signature)

Shirley Rowe
(Print/Type Name)

Sworn before me this 21st day of April, 2004 A.D.

Pauline Buoniello
Notary Public (Print Name)



Pauline Buoniello
Commission #DD281570
Expires: Jan 15, 2008
Bonded Through
Atlantic Bonding Co., Inc.

Pauline Buoniello
Notary Public (Signature)
My Commission Expires

This instrument was prepared by:

Joseph M. Brunke
118 Seminole Blvd.
Tavernier, FL 33070

Lot Aggregation Restrictive Covenant
RE: 00470990.000000 & 00471000.000000

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MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:
Robert N. Wolfe
ROBERT N. WOLFE
CHIEF ASSISTANT COUNTY ATTORNEY
Date 5-3-04